

City of Philadelphia



(Bill No. 030249)

AN ORDINANCE

Authorizing and directing the revision of lines and grades on a portion of City Plan No. 253 of the area lying generally northwardly from the intersection of Unruh avenue and Oakley street by striking from the City Plan a portion of Kerper street and Kerper place; by placing on the City Plan certain portions of rights-of-way for drainage purposes and water main purposes; by striking from the City Plan and abandoning a certain right-of-way for drainage purposes and water main purposes, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-405 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is authorized and directed to revise the lines and grades on a portion of City Plan No. 253 of the area lying generally northwardly from the intersection of Unruh avenue and Oakley street by restoring all lines and grades to their locations prior to July 1, 1991, more fully by:

(a) Striking from the City Plan:

(1) Kerper street from the former dead-end of Kerper street at a point approximately two hundred sixty-eight (268) feet northwest of Oakley street to a dead-end turnaround approximately four hundred fifty (450) feet northwest of Oakley street.

(2) Kerper place from Kerper street northeastwardly to a dead-end turnaround.

(b) Placing on the City Plan a right-of-way for drainage purposes (fifty feet wide) lying within the bed of Kerper street being stricken from the City Plan under authority of this Ordinance.

(c) Placing on the City Plan an approximately one hundred fifty square foot triangular right-of-way for drainage purposes and water main purposes (variable width) located exactly where it existed prior to 1990, at the southwest corner of the right-of-way to be abandoned in Section 1(d) of this Ordinance.

(d) Striking from the City Plan and abandoning a right-of-way for drainage purposes and water main purposes (fifty feet wide) located on the northwesterly side of the dead-end turnaround of former Kerper place and extending westwardly to an existing right-of-way for drainage purposes.

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SECTION 2. This authorization is conditional upon compliance with the following requirements within one (1) year from the date of approval of this Ordinance:

(a) The filing of an agreement, satisfactory to the Law Department, by the owner or owners of property affected thereby, to release the City from all damages or claims for damages which may arise by reason of the City Plan changes authorized herein; provided that, only after the party in interest has demonstrated best efforts to obtain such agreement and such efforts are unsuccessful, in lieu thereof, the party in interest shall file an agreement and bond with corporate surety, satisfactory to the Law Department, to indemnify the City as aforesaid.

(b) The filing of an agreement, satisfactory to the Law Department, by the party in interest, to release, indemnify and defend the City from all damages or claims for damages, which may arise by reason of the City Plan changes authorized herein.

(c) The dedication to the City, without cost and free and clear of all encumbrances of the beds of Kerper street and Kerper place being placed on the City Plan under authority of this Ordinance.

(d) The filing of an agreement, satisfactory to the Law Department, by the owner or owners of property affected thereby granting to the City the right-of-way for drainage purposes and water main purposes described in Section 1 (b) and (c) of this Ordinance. The agreement shall provide that no change in grade shall be made and that no buildings or other structures either overhead, underground or upon the surface shall be constructed within the lines of the right-of-way or abutting thereon, unless plans for such structures or buildings shall first be submitted to and approved by the Water Department. The agreement shall also grant the right-of-access and occupation at any and all times to the officers, agents, employees and contractors of the City for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future drainage structures and water main structures.

(e) The payment of the cost of advertising the public hearing by the Board of Surveyors on the City Plan changes authorized by this Ordinance.

SECTION 3. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward costs thereof, is paid into the City Treasury within sixty (60) days after the approval of this Ordinance.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 5, 2003. The Bill was Signed by the Mayor on July 31, 2003.



Patricia Rafferty
Chief Clerk of the City Council